

Water Quality Advisory Group
October 22, 1999
Room 1045

Minutes

Board members present:

John Fekete, Tom Anderson, John Wilkins, Senator Gard, Melanie Darke (for Tom McKenna) and Dan Cole.

Audience:

Claudio Ternieden, Maggie McShane, Kari Simonelic, Mary Ellen Gray, Bill Hayden and Bob Johnson.

Introductions

John F: Thank you for the responses. We have reviewed and categorized them and feel we should focus on three areas.

- No Degradation
- Manage Degradation
- Manage Improvements

We would like your thoughts, comments, ideas. Also, we would like to come to some understanding of focus.

John W: What is the desired outcome?

John F: Clear focus of where we focus our energy and form recommendations.

Melanie: No degradation is an economic issue. Managed degradation - Can we achieve fishable and swimmable with this?

Dan C: No degradation is what we have currently, which is what created the problem we are trying to fix currently. Managed degradation is problematic. Increased loading minimal economic impact. With no degradation public participation is important.

John F: Public participation is important in managed improvement.

John W: Discussing anti-degradation?

John F: Anti-degradation beyond Outstanding State Resource Waters (OSRW's).

Dan: Water quality standards equal maximum pollution loads. We don't need anti-degradation standards to have water quality standards.

Dan: Water quality standards are supposed to be the maximum pollution allowed. If we have anti-degradation policy we should not allow pristine water bodies to become as dirty as the water quality standards.

John W: Water quality standards need to be satisfactory to cover all water bodies.

Dan: Water quality standards should meet standards of fishable and swimmable.

John W: Should we have an anti-degradation policy? What would it look like?

John W: We are going to have one.

Bob J: All waters require anti-degradation policy and the cap is set by water quality standards by federal law. OSRW's are not required to have them in Indiana. Federal policy doesn't work, it is administratively impossible. We should use the diminimias concept. EPA has opened up to an increase.

The Water Quality Standards have always been the maximum.

John F: What is it we are trying to accomplish? An incremental anti-degradation policy above federal regulations.

Dan: The focus should be on the waterbodies that don't meet Water Quality Standards.

John F: Every waterbody is impaired in Indiana. Impairment means not meeting one parameter.

Matt: We should focus on Bill and Rae's paper. We are trying to move to managed waters throughout the State. Are there waterbodies we would like to prioritize? We would like to get all waterbodies to Water Quality Standards.

John F: Federal legal regulations state we are in violation if the State doesn't have a program in place.

Dan: Non-attainment is in violation. I would recommend Managed Improvement with offset requirement, with allowances for differences.

Melanie: I thought we agreed not to treat all waters the same way?

Dan: General policy framework would be the same with specifics for individual waterbodies.

John F: How should we demonstrate that? How long would it take to do that? We may not be in the stage in Indiana to do that.

Dan: We are going to have to monitor and have recourse if not.

Matt: We are doing this.

John W: Industry fears if there are offsets they will have to prove offsets have positive impacts on the environment and this may be beyond our bounds.

Dan: We should carry through with offsets, that is the purpose of public participation. What is going to be the bureaucratic solution? Requiring an offset helps to focus administrative task.

Maggie: I have concerns regarding offsets. Talking about water quality or offsets across media.

Tom A: TMDL process is very much related to this discussion.

Dan: It is not simple to say let's do offsetting. There is uncertainty on both sides. We are trying to seek an improvement. What we should be seeking is an improvement over what is in place currently.

Kari: Overview of highlights of discussion.

John F: We are bringing the heart of the matter to the fore-front. We do not want to trade one impossible program for another.

Tom: Manage degradation does not fit the act. Manage improvement fits the goals.

Kari: If we have an OSRW policy, how would that be different for high quality waters? We should keep the same process for anti-degradation and set additional requirements for net improvements.

John W: Agree

Bill H: Agree

John F: We will put something like this together and focus our attention. We will do anti-degradation the same as high quality water.

Bob: Those things that don't go through anti-degradation also don't go through net improvements.

John F: Process that provides summation with public review of small things.

Dan: Write into regulation examples of "small things". Cumulative impact analysis.

Bob: IDEM should take a close look at waterbodies and give list of satisfied net improvements.

Claudio: We should think about how we would require an offset.

John F: We will have something on this on or before the November 10th meeting. We have achieved the desired goal today.

Dan: Let's not throw out the good to get the perfect.

Adjournment

